SOUTHERN DISTRICT OF N			
		X	
DAVID DOUEK,		: :	
	Plaintiff,	:	
-v- CITIBANK, N.A., et al,		:	20-CV-8074 (JMF)
		:	ORDER
		:	<u>onder </u>
	Defendants.	:	
		: <b>Y</b>	
		<b>4 X</b>	

JESSE M. FURMAN, United States District Judge:

On March 9, 2021, the Court received a letter from Plaintiff, who is proceeding without counsel, asking for a thirty-day extension of the deadlines previously ordered by the Court at ECF No. 18. *See* ECF No. 34. The request is GRANTED. Accordingly, and in accordance with the Court's previous Order at ECF No. 18, Plaintiff shall either amend his complaint or oppose the pending motions to dismiss by **April 9, 2021**.

Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by any motion to dismiss. If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, each Defendant that has moved to dismiss shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If a Defendant files an answer or a new motion to dismiss, the Court will deny any previously filed motion to dismiss filed by that Defendant as moot.

If he chooses not to amend his Complaint, Plaintiff shall file and serve any opposition to the motions to dismiss in the form of a single, consolidated memorandum of law responding to all motions to dismiss that have been filed. Any reply in support of any motion to dismiss shall be filed by **April 23, 2021**.

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To minimize delays due to mailing, pro se parties are encouraged to consent to receive all court documents electronically. A Consent to Electronic Service Form is attached to this Order and available on the Court's website at <a href="https://nysd.uscourts.gov/sites/default/files/2018-06/proseconsentecfnotice-final.pdf">https://nysd.uscourts.gov/sites/default/files/2018-06/proseconsentecfnotice-final.pdf</a>. Additionally, in light of the current global health crisis, parties proceeding pro se are encouraged to submit all filings by email to <a href="mailto:Temporary Pro Se">Temporary Pro Se</a>. Instructions for filing documents by email are attached to this Order. Pro se parties who are unable to use email may still submit documents by regular mail to the Pro Se Office, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007, or in person at the drop box located at the U.S. Courthouses in Manhattan (500 Pearl Street) and White Plains (300 Quarropas Street). In either case, however, there may be significant delays before such filings are received and/or docketed. No documents or court filings should be sent directly to Chambers. Copies of correspondence between a pro se party and counsel shall not be

sent to the Court. For more information, please visit the Court's website at <a href="www.nysd.uscourts.gov">www.nysd.uscourts.gov</a> and review the Court's Individual Rules and Practices in Civil *Pro Se* Cases, attached to this Order.

There is a *Pro Se* Law Clinic in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide Plaintiff with advice in connection with this case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). Due to the current global health crisis, the Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, Plaintiff should call (212) 659-6190 and leave a message **specifying a call-back number**.

Finally, the Clerk of the Court is directed to mail a copy of this Order to Plaintiff.

United States District Judge

SO ORDERED.

Dated: March 10, 2021

New York, New York

# Pro Se (Nonprisoner) Consent & Registration Form to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

- 1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at www.pacer.uscourts.gov or 1-800-676-6856;
- 2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, you should print or save the document during the "free look" to avoid future charges.

#### **IMPORTANT NOTICE**

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

- 1. You will no longer receive documents in the mail;
- 2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
- 3. This service does not allow you to electronically file your documents;
- 4. It will be your duty to regularly review the docket sheet of the case.<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> Public Access to Court Electronic Records (PACER) (<a href="www.pacer.uscourts.gov">www.pacer.uscourts.gov</a>) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>&</sup>lt;sup>2</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.



#### CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

- 1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
- 2. I have established a PACER account;
- 3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
- 4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
- 5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
- 6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

your pending and terminated cases. For each case, include the case name and docket

Note: This consent will apply to all cases that you have filed in this court, so please list all of

# **Civil case(s) filed in the Southern District of New York:**

number (	for example, John Doe	v. New City, 10-CV-01234).		
Name (Last, First, MI				
Address	City	State	Zip Code	
Telephone Number		E-mail Address		
Date		Signature		

**Return completed form to:** 

Pro Se Office (Room 200) 500 Pearl Street New York, NY 10007

#### **INSTRUCTIONS: EMAIL PRO SE FILINGS**

## How do I email documents to the Clerk's Office for filing?

- SIGN. You must sign your document by either signing the document before you scan it or typing "/s/ [Your Name]." The Court will accept typed signatures in this format.
- CONTACT INFORMATION. The document must include your name, address, telephone number and email address (if available).
- SUBJECT LINE. For existing cases, the subject line of the email must read, "Pro Se Filing XX-CV-XXXX." For new cases, the subject line of the email must read, "Pro Se Filing New Case."
- EMAIL the PDF document to <u>Temporary Pro Se Filing@nysd.uscourts.gov.</u>

## Can I start a new case by email?

- YES. To start a new case, you may email your complaint to <u>Temporary Pro Se Filing@nysd.uscourts.gov.</u>
- In addition to emailing your complaint, you must either (1) email an application requesting that the fee be waived, available at <a href="https://nysd.uscourts.gov/node/838">https://nysd.uscourts.gov/node/838</a>, or (2) pay the filing fee of \$400. If you are paying the filing fee, add to the subject line, "Pro Se Filing New Case FEE PAID." Payment must be made within 21 days by certified check or money order, made out to Clerk, USDC, SDNY, and mailed to: Cashiers-Room 120, 500 Pearl Street, New York, NY 10007. The check must include the case number, which you can learn by calling (212) 805-0175.

# Can I include any questions or information in my email?

 NO. You must only include the attached document(s) for filing. No one will read messages in the body of the email and no one will respond to any questions.

Instructions: Email Pro Se Filings Page 2 of 2

## Will someone respond to my email?

• NO. This email address cannot respond to inquiries. The Clerk's Office will download the email attachment. This is a NO-REPLY email address. But you may call (212) 805-0175 to confirm that your documents were received. Please wait at least one week before calling.

# Can I email the assigned judge instead?

• NO. Any submission emailed to any other court email address will be disregarded by the recipient.

# Can the Clerk's Office assist with scanning?

• NO. If you are unable to email your documents, you must submit them by mail to the Pro Se Intake Unit.

# Can someone email my documents for me?

• YES. But please include your email address, if available, in the document. The Court will only communicate with the email address listed on the filed documents, and only if you have consented to receive court documents by email.

# Can I receive court documents by email?

• YES. Complete and email a signed <u>consent to electronic service</u> form.

# Do I need to serve my adversary?

 NO. After the document is emailed to the Court and electronically filed, your adversary will receive electronic notification of the filing.